

**DDTC Summary of Major Changes in the
Guidelines for Preparing Agreements, Revision 4.4**
Effective September 1, 2016

This updated version (Revision 4.4) of the Guidelines will be effective September 1, 2016 to coincide with the effective date of the ITAR revisions. Below is a summary of the major changes.

Note: Changes to the Guidelines made in Revision 4.4 are highlighted in YELLOW. Changes that were made in Revision 4.3 have been retained for reference purposes and are highlighted in LIGHT BLUE.

Definition Update:

Effective September 1, 2016, the ITAR will contain specific definitions for the terms “export”, “reexport” and “retransfer”, as discussed in 81 FR 35611. The following sections of the Guidelines have been updated to reflect these new definitions:

- Sections 2.0, 2.1, 3.2.a(1), 3.2.a(2), 3.2.b(1), 3.2.d(2), 3.2.d(3), 3.4a, 3.5.a, 3.5b, 3.9.a(4)(A), 3.9.b(1)(A), 3.12.a, 3.13.c, 3.18.b, 5.1.b(1), 5.2.c(4), 10.1.b, 10.3.a, 11.3.a, 15.3.b, 20.4.g, Appendix A – Tab 3, Appendix A – Tab 7

Section 3.5 - Dual/Third Country National Section:

Section 3.5 has undergone major revisions to:

- Remove § 124.16 from Option 2
- Add references to § 126.18(d) in Option 1
- Redact the term “retransfer” from the guidance and required statements
- Remove country of birth as a consideration when vetting DN/TCNs via Option 2
- Update the required agreement statements for DN/TCN requests pursuant to § 124.8(5)
- Remove the optional agreement statement for § 126.1 non-(a) TCN requests
 - Section 3.5.2.d(3)

Update of Required Statements:

The following required statements have been updated throughout the guidelines to conform to 81 FR 35611:

- Sublicensing to U.S. Persons statement
 - Sec 3.2.d(3), Appendix A – Tab 3, Appendix A – Tab 7
- Required agreement statements for DN/TCN requests pursuant to § 124.8(5)
 - Sections 3.5.2.a, 3.5.2.c, 3.5.2.d(1), 3.5.2.d(4), 3.5.2.d(4)(B), Appendix A – Tab 3, Appendix A – Tab 7
- The § 124.8(5) verbatim clause
 - Sec 3.5.c, 5.2.d, Appendix A – Tab 3, Appendix A – Tab 7, Appendix A – Tab 11

Note: Applicants are not required to submit an amendment for the sole purpose of updating these statements or removing the § 124.16 statement. However, the statements must be updated at the next major amendment. All agreement/amendment applications submitted after September 1, 2016, must include the new required statements, if applicable. If an old statement is used, a

proviso will be added instructing the applicant to change it prior to execution. Applicants may begin using the new statements prior to September 1.

Update to the Templates:

The templates in Appendix A have been updated to:

- Remove the § 124.12(a)(10) statement from the transmittal letter
- Remove the § 124.16 statement from the agreement
- Update the mandatory statements listed above